IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.808 OF 2005

IN

SUIT NO.1482 OF 1999

T.V.Krishnan & Anr. ...Plaintiffs

Versus

Mr.Shridhar Damodar Chhatre & Ors. ...Defendants

And

Smt.Shailaja Shridhar Chhatre

& Ors. ...Respondents

.....

Ms.Rajalaxmi Nair i/b M/s.Lega Apex for Plaintiffs.

None for Defendants.

Mr.R.M.Joshi for Respondents 1 to 4.

.....

CORAM: A.M.KHANWILKAR, J.

AUGUST 24, 2005.

P.C.

1. Heard Counsel for the parties.

2. Indeed, there is delay in taking out the

present Chamber Summons, however, by this Application, it is stated that the Plaintiffs be permitted to bring on record heirs of deceased Defendant No.1a. Defendant No.1a was impleaded as heir of original Defendant Damodar Chhatre.

3. As estate of Damodar Chhatre is already represented by Defendants 1b and 1c, in my opinion, no prejudice will be caused if the present Application is granted. In fact, in law, the Suit has not abated as such.

4. Accordingly, Chamber Summons made absolute in terms of prayer clauses (a), (b) and (c) on condition that the Plaintiffs shall pay cost to the contesting Defendants 1b, 1c and Defendant No.2 quantified at Rs.500/- (Rupees Five Hundred) each, within two weeks from today.

5. Amendment to be carried out within four weeks from today.

6. Chamber Summons disposed of on the above terms.

A.M.KHANWILKAR, J.